

REMARKS and INTERVIEW SUMMARY

In response to the Notice of Non-Compliant Amendment mailed October 8, 2008, we submit this corrected claims section. The undersigned and Examiner Steven Sax conducted a phone interview on February 9, 2009 to discuss the proper status identifiers for this case. Per the agreement with Examiner Sax, amendments filed between February and July 2008 are being considered as not entered and a nullity with respect to the number of times the claims have been amended.

The status identifiers of claims 24, 27-30, and 32 are provided as "Previously Presented" by agreement between the undersigned and Examiner Sax because these claims are new relative to the originally issued patent but not amended since being entered into this application.

The status identifiers of claims 25, 33, 40, and 41 as set as "Twice Amended," and the status identifiers for claims 43 and 45 are changed to "Amended." By agreement with Examiner Sax, the status identifiers for claims that are added through this reissue case should indicate the number of times the claim has been amended after being added. Claims 25, 40, and 41 were amended October 6, 2006 and with this amendment. Claim 33 was amended October 6, 2006 and April 4, 2007. Claims 43 and 45 are amended for the first time with this amendment.

The status identifier for claim 1 is left as "Twice Amended" because this original claim has been amended twice, once with a preliminary amendment filed December 4, 2003, and again with the most recent amendment. See MPEP 1453(V)(E).

We refer the Examiner to the Remarks section of the previous non-entered amendments for substantive remarks with respect to the claims. We therefore request entry and consideration of this claim set on the merits.

The undersigned thanks the Examiner for his helpfulness in the telephone interview. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview may expedite prosecution of this matter.

Response to Non-Compliant Am. mailed October 8, 2008
Response Dated February 11, 2009

Appln. No. 10/728,743
Atty. Dkt. No. 93988

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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